

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BRUCE ALAN WOOTEN

PLAINTIFF

v.

CIVIL ACTION NO. 1:19-CV-340-KS-MTP

RICHARD C. SMITH, *et al.*

DEFENDANTS

ORDER

On April 16, 2020, the Magistrate Judge entered a Report and Recommendation [58], recommending that the remaining Defendant, Richard Smith, be dismissed without prejudice. The Magistrate Judge provided Plaintiff notice of his right to object and directed him to file an objection within fourteen days. Plaintiff did not object or otherwise respond.

On October 24, 2019, the Court ordered Plaintiff to serve all Defendants, including Richard Smith, and file proof of service on or before November 25, 2019. Plaintiff has not filed proof of service demonstrating that he served Defendant Richard Smith with process, and Smith has not filed a responsive pleading or otherwise appeared in this action.

Therefore, the Court approves and adopts the Magistrate Judge's Report and Recommendation [58]. The Court **dismisses** Plaintiff's claims against Richard Smith **without prejudice** pursuant to Rule 4(m), FED. R. CIV. P. 4(m), and because Plaintiff failed to comply with the Court's order of October 24, 2019. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998).

SO ORDERED AND ADJUDGED this 1st day of July, 2020.

 /s/ Keith Starrett
 KEITH STARRETT
 UNITED STATES DISTRICT JUDGE